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PTO/SB/30 (05-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/781,158
Filing Date	February 17, 2004
First Named Inventor	Juan C. Colberg
Art Unit	1624
Examiner Name	Mark L. Berch
Attorney Docket Number	PC10865B

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other **2 Declarations of Juan C. Colberg**

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. **21-0718** The total amount charged is **\$ 1810.00**

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17). A **3** month extension is requested.

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	<b>Timothy J. Gumbleton</b>	Registration No. (Attorney/Agent)	<b>54,143</b>
Signature	<i>Timothy J. Gumbleton</i>	Date	<b>June 20, 2005</b>

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	<b>Jennifer S. Naylor</b>	Date	<b>June 20, 2005</b>
Signature	<i>Jennifer S. Naylor</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PATENT**/Docket No. PC10856B  
Appl. No. 10/781,158  
Filing Date: February 17, 2004  
Reply to Office action of December 21, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1624  
Examiner : Mark L. Berch  
Applicant(s) : Juan C. Colberg  
Serial Number : 10/781,158  
Filed : February 17, 2004  
For : PROCESS AND ESTER DERIVATIVES USEFUL FOR  
PREPARATION OF CEPHALOSPORINS

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND SUBMISSION FOR REQUEST FOR CONTINUED**  
**EXAMINATION UNDER 37 C.F.R. 1.114**

Sir:

The above-referenced Application is a continuation of US Patent Application No. 10/006,579, filed on December 4, 2001, which in turn claims priority of US Provisional Patent Application No. 60/251,018, filed on December 4, 2000. The U.S. Patent and Trademark Office issued a final Office Action, dated December 21, 2004 (hereinafter, the "Office Action"), in this Application. The Application is currently pending. An Extension of Time and the present Request for Continued Examination are timely filed.

Claims 1-36 are currently under consideration and stand rejected; Claims 37-39 are cancelled. In the Office Action, claims 1-31 were rejected under 35 U.S.C. § 112, first and second paragraphs, and claims 1-4, 7-15, 25, and 28-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bateson et al (US 6,001,997).

Applicants respectfully request that this Amendment be considered as the required submission under 37 C.F.R. § 1.114 for the Request for Continued Examination filed herewith, and that Examiner reconsider the application and withdraw the rejections in view of the following amendments and remarks:

06/22/2005 JBALINAN 00000064 10781158

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FORM AMEND  
Rev. 5/27/03

**PATENT**/Docket No. PC10856B

Appl. No. 10/781,158

Filing Date: February 17, 2004

Reply to Office action of December 21, 2004

**Amendments to the Specification** begin on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 5 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.